



# CITY COUNCIL

## AGENDA REQUEST

<b>AGENDA OF:</b>	<b>05-21-13</b>	<b>AGENDA REQUEST NO:</b>	<b>VI-A</b>
<b>INITIATED BY:</b>	<b>JACOB NITCHALS PLANNER I</b> <i>JN</i>	<b>RESPONSIBLE DEPARTMENT:</b>	<b>PLANNING &amp; CODE SERVICES</b>
<b>PRESENTED BY:</b>	<b>JACOB NITCHALS PLANNER I &amp; RUTH LOHMER, AICP PRINCIPAL PLANNER</b>	<b>DIRECTOR:</b>	<b>DOUGLAS SCHOMBURG, AICP DIR. OF PLANNING &amp; CODE SERVICES</b> <i>D.S.</i>
		<b>ADDITIONAL DIRECTOR (S):</b>	<b>N/A</b>
<b>SUBJECT / PROCEEDING:</b>	<b>PERMANENT ZONING FROM INTERIM STANDARD SINGLE-FAMILY RESIDENTIAL (R-1-I) TO NEIGHBORHOOD BUSINESS (B-1) FOR 2.691 ACRES, LOCATED AT THE NORTHWEST CORNER OF WEST GRAND PARKWAY AND RIVER FALLS DRIVE PUBLIC HEARING AND FIRST READING OF ORDINANCE NO. 1907</b>		
<b>EXHIBITS:</b>	<b>VICINITY MAP, AERIAL IMAGE, STAFF REPORT, RIVERPARK GENERAL LAND PLAN, FUTURE LAND USE PLAN MAP, PUBLIC HEARING NOTICE, ORDINANCE NO. 1907</b>		
<b>CLEARANCES</b>		<b>APPROVAL</b>	
<b>LEGAL:</b>	<b>MARY ANN POWELL CITY ATTORNEY</b> <i>MAP</i>	<b>EXECUTIVE DIRECTOR:</b>	<b>JIM CALLAWAY,</b> <i>Jim Callaway</i> <b>EXECUTIVE DIR. - COMMUNITY DEVELOPMENT</b>
<b>PURCHASING:</b>	<b>N/A</b>	<b>ASSISTANT CITY MANAGER:</b>	<b>N/A</b>
<b>BUDGET:</b>	<b>N/A</b>	<b>CITY MANAGER:</b>	<b>ALLEN BOGARD</b> <i>Allen Bogard</i>
<b>BUDGET</b>			
<b>EXPENDITURE REQUIRED: \$</b>		<b>N/A</b>	
<b>CURRENT BUDGET: \$</b>		<b>N/A</b>	
<b>ADDITIONAL FUNDING: \$</b>		<b>N/A</b>	
<b>RECOMMENDED ACTION</b>			
<b>Hold Public Hearing, approve Ordinance No. 1907 on First Reading and pass to Second Reading.</b>			

## EXECUTIVE SUMMARY

This is a request to permanently zone 2.69 acres (One Tree Plot), from Interim Standard Single-Family Residential (R-1-I) to permanent Neighborhood Business (B-1). The property is located in the RiverPark development, north of US 59 on the west side of West Grand Parkway at the intersection with River Falls Drive. The RiverPark General Land Plan, approved in 1999, shows the area as a Commercial Reserve. The property was annexed into the City as part of the Fort Bend County MUD No. 1 annexation, which included the majority of the RiverPark development. The Strategic Partnership Agreement (SPA), approved by City Council on March 20, 2007, authorized the annexation to occur on December 1, 2009, at which time Interim R-1 zoning was applied to the property. Since that time, the City Council approved an update to the Future Land Use Plan Map, which shows the area as Retail/ Commercial.

This permanent zoning request is consistent with the Future Land Use Plan Map and the RiverPark General Land Plan. If approved by City Council, the property would have to comply with all B-1 regulations per Chapter 2 of the City of Sugar Land Development Code.

The Planning and Zoning Commission held a public hearing for the permanent zoning request on March 28, 2013. No speakers addressed the Commission during the hearing, and the Commission did not express any concerns during Discussion and Direction. On April 9, 2013 the Planning and Zoning Commission unanimously recommended approval of the permanent zoning to the Mayor and Council. The Planning & Code Services Department also recommends approval of Ordinance No. 1907.

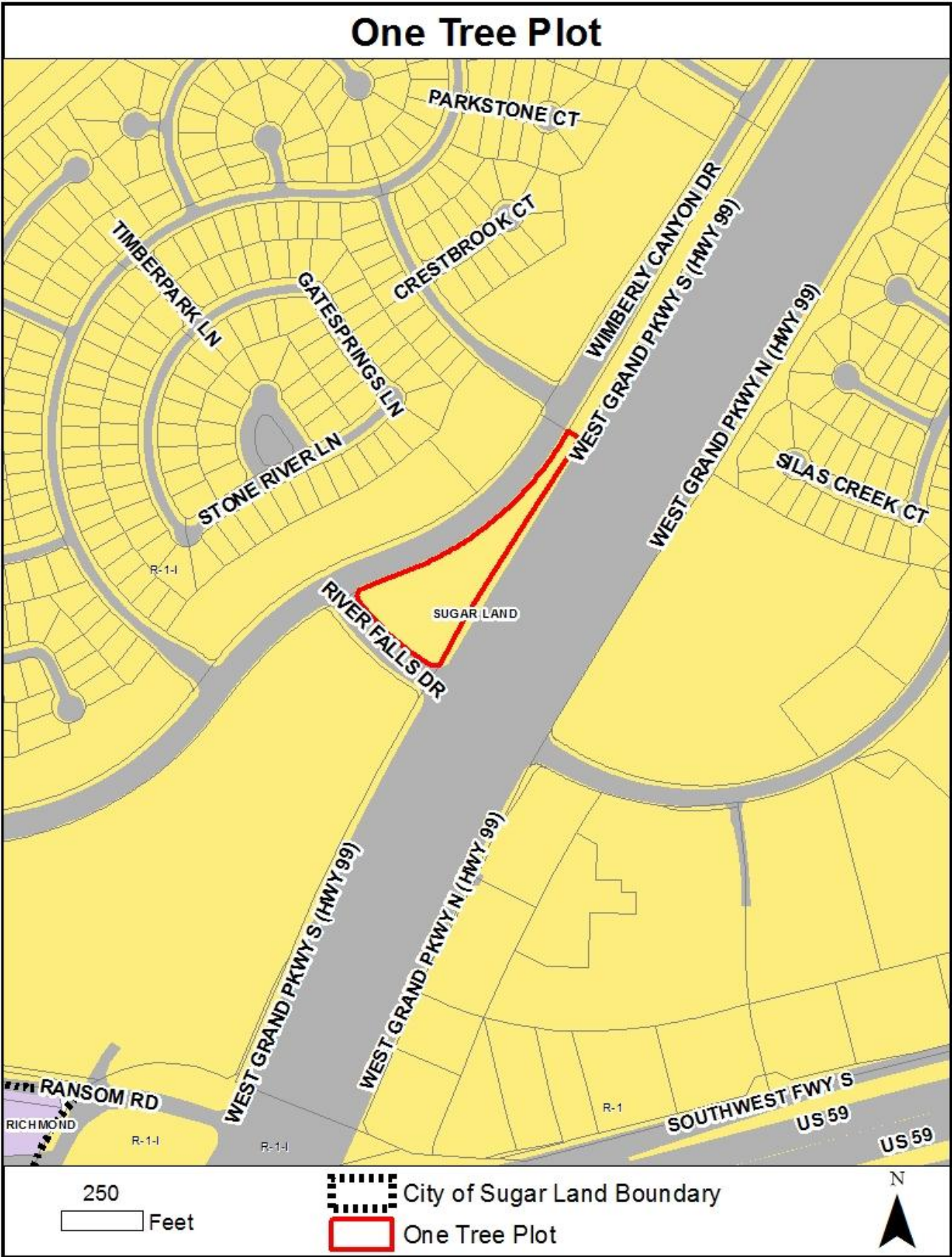
CC: Kay Nguyen [kaynguyen100@yahoo.com](mailto:kaynguyen100@yahoo.com)

Document No. 16136

Planning Case No.: 13-21000002

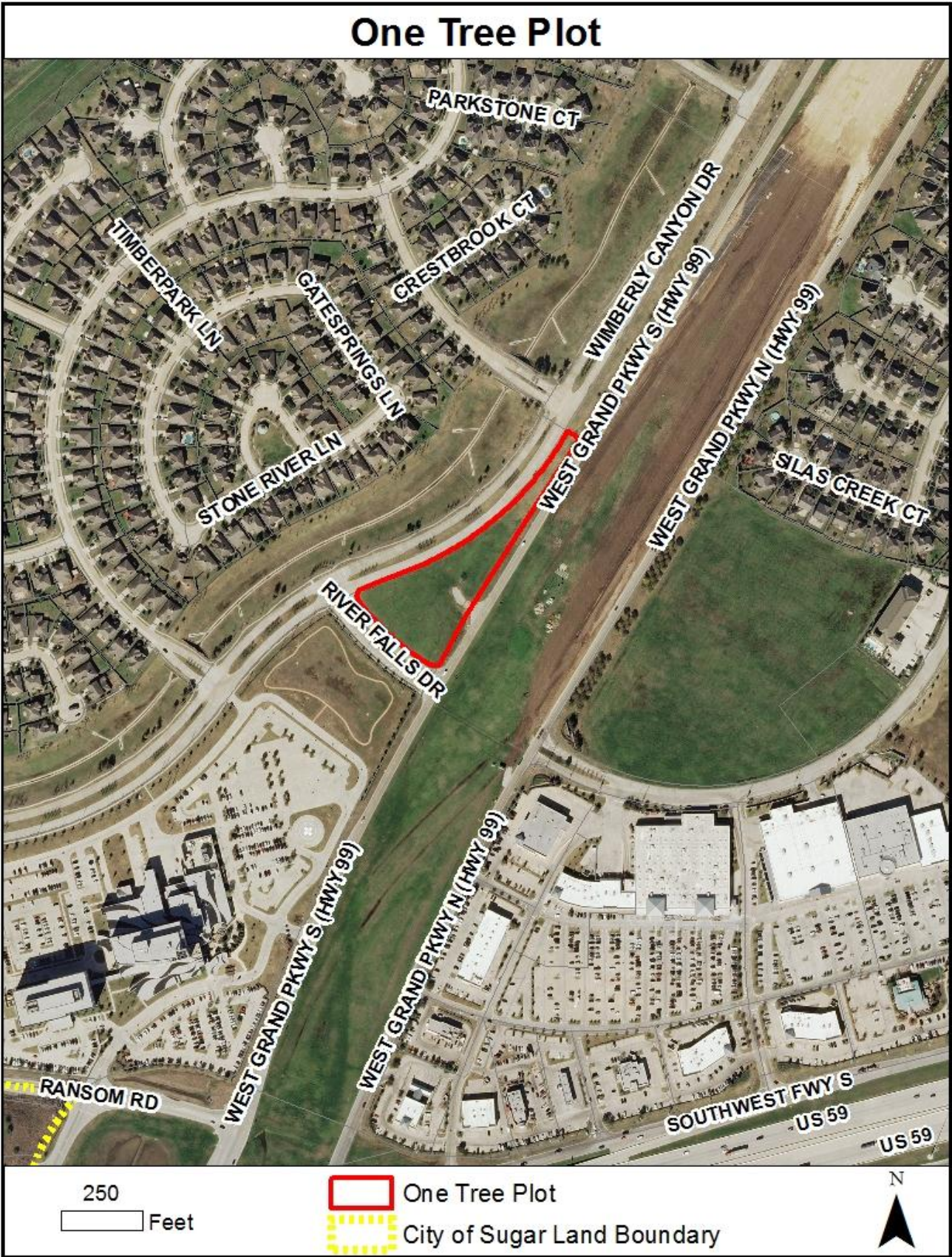
## EXHIBITS

Vicinity Map:





Aerial Image:



**Staff Report:****PLANNING AND ZONING COMMISSION REVIEW:**

The Planning and Zoning Commission held a public hearing followed by discussion and direction on March 28, 2013. One person signed up to speak, but did not come forward during the Public Hearing. The Commission expressed no concerns and asked Staff to bring the rezone back before the Commission for Consideration and Action. On April 9, 2013, the Commission unanimously recommended approval of the proposed permanent zoning.

**GENERAL SITE INFORMATION AND ANALYSIS:**

<b>Compliance with Comprehensive Plan</b>	<b>This proposal is consistent with the Future Land Use Plan Map.</b>
<b>Subject Property</b>	<b>Interim Standard Single-Family (R-1-I); Undeveloped</b>
<b>Surrounding Property Zoning</b>	<b>North: Interim Standard Single-Family Residential (R-1-I) South: Interim Standard Single-Family Residential (R-1-I) East: Interim Standard Single-Family Residential (R-1-I) West: Interim Standard Single-Family Residential (R-1-I)</b>
<b>Surrounding Land Uses</b>	<b>North: Wimberly Canyon Drive, stormwater detention facilities &amp; RiverPark single-family residential South: River Falls Drive, Memorial Hermann Hospital, West Grand Parkway, &amp; RiverPark Shopping Center East: West Grand Parkway, vacant land, &amp; single-family residential West: Wimberly Canyon Drive, stormwater detention, &amp; RiverPark single-family residential</b>

**COMPREHENSIVE PLAN:**

On June 19, 2012, City Council adopted the revised Future Land Use Plan portion of the City's Comprehensive Plan under Ordinance No. 1860. The Future Land Use Plan Map serves as a guide for recommendations of permanent zoning for annexed properties and rezoning of existing properties within the City. The 2.69 acres of One Tree Plot are shown as "Commercial/Retail," therefore the proposed rezoning to Neighborhood Business (B-1) is consistent with the Future Land Use Plan Map. The proposed rezone is also consistent with the following goals in the Comprehensive Plan:

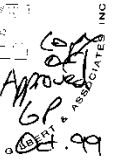
- Goal I: Regional Business Center of Excellence
- Goal J: Balanced Development and Redevelopment

**POINTS FOR CONSIDERATION:**

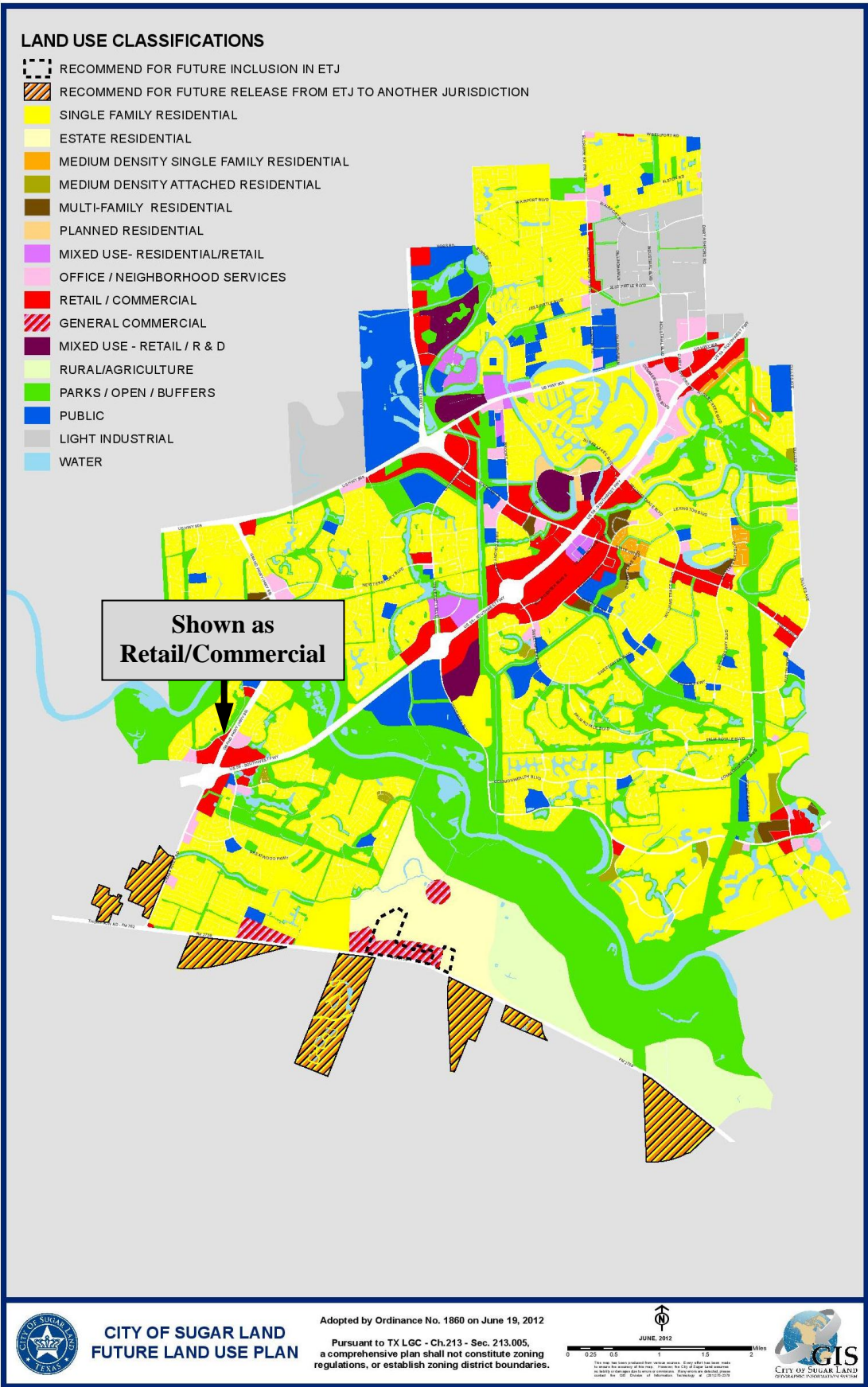
- The Planning and Zoning Commission recommended approval of the proposed permanent zoning.
- Proposed rezoning is in compliance with the Future Land Use Plan Map and the RiverPark General Land Plan.
- Staff has confirmed that the tract is adequately served by roadways and utilities for commercial and/or retail development.
- Staff has worked with representatives from the neighboring RiverPark Homeowners Association. These representatives agree that commercial and retail uses are the most appropriate zoning for this property.



KERRY R. GILBERT & ASSOCIATES, INC.



Future Land Use Plan Map:

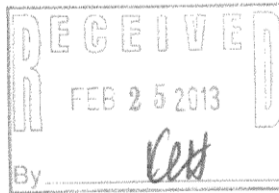




**Application:**



**STANDARD REZONING &  
CONDITIONAL USE PERMIT  
(CUP) APPLICATION**



<b>FOR OFFICE USE</b> (Rev. 1/1/13) Accounting Code: <u>ZC</u> 2013 Fee: See below Fee Required _____ Case No. _____
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Return Your Submittal To Development Planning (Attn: Development Review Coordinator)  
Sugar Land City Hall, 2700 Town Center Blvd. North, Sugar Land, Tx 77479, Phone#: (281) 275-2218

PROJECT NAME One Tree Plot  
Submittal Type & Fee ☒ Standard Rezoning \$1,075 ☐ Conditional Use Permit \$1,600  
Legal/ Location Description see attached Metes + bound / Grand Pkwy + Radcliff Dr.  
Property Acreage 2.69 Current Zoning District R - 1E  
For Rezoning, Proposed Zoning District B1  
For CUP, Proposed Use —  
Indicate Existing Buildings on Site none

**CONTACT INFORMATION**

**Property Owner (Please Note – the current Property Owner's Information Must be provided):**

Name Kay P. Nguyen, Holding  
Address 7002 Radcliff Place, Sugarland, TX 77479  
Phone 281-989-6260 Email kaynguyen100@yahoo.com

**Property Owner's Authorization (May be submitted under separate cover on company letterhead):**

*I am the owner of the property for which this application is being made. I authorize*  
Kay Nguyen (Project Representative) *to submit this application*  
*and to correspond with the City of Sugar Land regarding this application on my behalf.*

X [Signature] 2-21-2013  
Property Owner's Signature (Required) Date

**Project Representative:**

Contact Person Kay Nguyen  
Company \_\_\_\_\_  
Address 7002 Radcliff Place, Sugarland, TX 77479  
Phone 281-989-6260 Email kaynguyen100@yahoo.com

*This is to certify that the information on this form is COMPLETE, TRUE and CORRECT and the undersigned is authorized to make this application. I understand that this application will expire one year from the date of submittal if the Planning & Environmental Services Department has not received a revised submittal.*

X [Signature] 2-21-2013  
Project Representative's Signature Date

Please note: a courtesy notification sign will be placed on the subject property during the public hearing process and will be removed after the public hearing.

Please contact Development Planning staff at 281-275-2218 to discuss your proposal prior to submitting a Standard Rezoning or Conditional Use Permit application.

## **NOTICE OF PUBLIC HEARING**

### **PERMANENT ZONING FOR 2.691 ACRES NORTHWEST CORNER OF WEST GRAND PARKWAY AND RIVER FALLS DRIVE**

**PERMANENT ZONING OF APPROXIMATELY 2.691 ACRES LOCATED AT THE NORTHWEST CORNER OF WEST GRAND PARKWAY AND RIVER FALLS DRIVE FROM THE INTERIM STANDARD SINGLE FAMILY RESIDENTIAL (R-1-I) DISTRICT TO NEIGHBORHOOD BUSINESS (B-1) DISTRICT. PROPERTY IS IN THE J. KUYKENDALL LEAGUE, ABSTRACT NO. 49.**

**PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED PERMANENT ZONING SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.**

**WHERE: SUGAR LAND CITY COUNCIL CHAMBER  
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: CITY COUNCIL  
6:00 P.M., MAY 21, 2013**

**DETAILS OF THE PROPOSED ZONING CHANGE MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND DEVELOPMENT PLANNING OFFICE, TELEPHONE (281) 275-2218 OR EMAIL [PLANNING@SUGARLANDTX.GOV](mailto:PLANNING@SUGARLANDTX.GOV). THE DEVELOPMENT PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO REVIEW ADDITIONAL DETAILS IN PERSON.**

**ORDINANCE NO. 1907**

**AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, PROVIDING FOR A CHANGE OF ZONING FROM INTERIM STANDARD SINGLE FAMILY RESIDENTIAL (R-1-I) DISTRICT TO NEIGHBORHOOD BUSINESS (B-1) DISTRICT FOR APPROXIMATELY 2.691 ACRES OF LAND LOCATED AT THE NORTHWEST CORNER OF WEST GRAND PARKWAY AND RIVER FALLS DRIVE.**

WHEREAS, Kay P. Nguyen Holding, L.L.C., has requested that approximately 2.691 acres of land located within the City of Sugar Land (the "City") be rezoned from Interim Standard Single Family (R-1-I) District to Neighborhood Business (B-1) District, located at the northwest corner of West Grand Parkway and River Falls Drive; and

WHEREAS, the City Planning and Zoning Commission forwarded its final report to the City Council, recommending approval of the rezoning request; and

WHEREAS, the City Planning and Zoning Commission and the City Council have each conducted in the time and manner and after notice required by law and applicable ordinances, a public hearing on such requested zoning change; and

WHEREAS, the City Council finds that the zoning request complies with the City's comprehensive plan and now deems it appropriate to make such zoning change as presented herein; NOW, THEREFORE:

**BE IT ORDAINED BY THE CITY COUNCIL  
OF THE CITY OF SUGAR LAND, TEXAS:**

**Section 1.** That the facts and recitations set forth in the preamble of the ordinance are hereby declared true and correct.

**Section 2.** That the zoning district classification of approximately 2.691 acres of land described in Exhibit A, attached to and incorporated into this ordinance by reference, is changed from Interim Single Family Residential zoning district classification (R-1-I) to Neighborhood Business zoning district classification (B-1) under the comprehensive zoning ordinance of the City of Sugar Land, Texas.

**Section 3.** That the City's official zoning map be amended to reflect this change in zoning district classification.

READ IN FULL on first consideration on \_\_\_\_\_, 2013.

APPROVED upon second consideration on \_\_\_\_\_, 2013.

\_\_\_\_\_



James A. Thompson, Mayor

ATTEST:

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Glenda Gundermann, City Secretary

APPROVED AS TO FORM:

A handwritten signature in cursive script, appearing to read "M. Powell", is written in light gray ink.

Attachment: Exhibit A – Metes and Bounds Description

## Exhibit A – Metes and Bounds Description:

### F. G. Huffman

P. O. Box 430792  
Houston, Texas 77243

Registered Professional Land Surveyor

(281) 447-7802

Job No. 12-0912

Rev. 9-25-17

#### Exhibit 'A' Metes and Bounds

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DESCRIPTION of a 117,219 Square Foot (2.691 Acres) tract of land out of 300.38 Acre tract described in Clerk's File No. 9642449 of the Official Records of Fort Bend County and being within the Joseph Kuykendall Survey, Abstract No. 49, Fort Bend County, Texas and more particularly described by metes and bounds as follows,

BEGINNING at a 5/8" iron rod set at the most Easterly cut-back corner of the intersection of the West Right of Way of Grand Parkway (State Highway 99, 400' R/W), described in Vol. 2354, Page 1721 of the Fort Bend County Official Records and the North Right of Way of River Falls Drive,

THENCE, Southwesterly, along a curve to the right, having a radius of 25.00 feet, a chord bearing and distance of S 76° 16' 45" W, 35.36 feet, an arc length of 39.28 feet to a 5/8" iron rod set for a point of curve in the North Right of Way of River Falls Drive,

THENCE, Northwesterly, along the Northeasterly Right of Way of River Falls Drive and a curve to the right, having a radius of 805.00 feet, a chord bearing and distance of N 48° 14' 49" W, 292.47 feet, an arc length of 294.11 feet to a 5/8" iron rod set for the most Southerly Southwest corner of the tract herein described,

THENCE, Northerly, along a curve to the right, having a radius of 25.00 feet, a chord bearing and distance of N 14° 11' 24" E, 39.38 feet, an arc length of 45.35 feet to a 5/8" iron rod set for the most Westerly Southwest corner of the tract herein described,

THENCE, Northeasterly, along the Southeasterly Right of Way of Wimberly Canyon Drive and a curve to the right, having a radius of 965.00 feet, a chord bearing and distance of N 67° 29' 36" E, 44.90 feet, an arc length of 44.90 feet to a 5/8" iron rod set for a point of tangent,

Con't. Page 2

# F. G. Huffman

P. O. Box 430792  
Houston, Texas 77243

Registered Professional Land Surveyor

(281) 447-7802

Page 2


THENCE, N 68° 49' 35" E, continuing along the Southeasterly Right of Way of Wimberly Canyon Drive, a distance of 101.41 feet to a 5/8" iron rod for a point of curve,

THENCE, Northeasterly, continuing along the Southeasterly Right of Way of Wimberly Canyon Drive and a curve to the left, having a radius of 945.00 feet, a chord bearing and distance of N 50° 02' 57" E, 608.38 feet, an arc length of 619.40 feet to a 5/8" iron rod set for a point of tangent,

THENCE, N 31° 16' 18" E, continuing along the Southeasterly Right of Way of Wimberly Canyon Drive, a distance of 46.59 feet to a found 5/8" iron rod for the Northwest corner of the tract herein described,

THENCE, S 58° 43' 42" E, a distance of 40.00 feet to a found 5/8" iron rod in the Northwesterly Right of Way of Grand Parkway and the Northeast corner of the tract herein described,

THENCE, S 31° 16' 18" W, along the Northwesterly Right of Way of Grand Parkway, a distance of 805.05 feet to the POINT OF BEGINNING and containing 2.691 Acres.

  
F. G. Huffman  
RPLS No. 1682

